

CIVIL SERVICE COMMISSION MINUTES

April 4, 2007

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California.

Present were:

Francesca Krauel
W. Dale Bailey
Cheryl Fisher
A.Y. Casillas
Barry I. Newman

Absent was:

None

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamary, Executive Officer
William D. Smith, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

**Approved
Civil Service Commission**

May 2, 2007

**COUNTY OF SAN DIEGO
CIVIL SERVICE COMMISSION MINUTES
April 4, 2007**

CLOSED SESSION: No Items for Discussion

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San Diego, California

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
1,4,5,6,		9	11

COMMENTS: Motion by Newman to approve all items not held for discussion; seconded by Casillas. Carried.

**OPEN SESSION AGENDA
County Administration Center, Room 358**

MINUTES

1. Approval of the Minutes of the regular meeting of March 7, 2007.

Approved.

CONFIRMATION OF ASSIGNMENT

2. Commissioner Casillas: Richard Pinckard, Esq., on behalf of 2007-06, appealing an Order from the Sheriff's Department.

Confirmed.

CLASSIFICATION REVIEWS

Requests

3. **Frank Campos**, Storekeeper II, Health and Human Services Agency, requesting a classification review under Civil Service Rule XII.

RECOMMENDATION: Assign a Hearing Officer and hold hearing in abeyance pending outcome of DHR maintenance study of the Storekeeper series.

Staff Recommendation approved. Commission Bailey assigned.

DISCRIMINATION

Findings

4. Commissioner Casillas: **Donna Goyer**, former Administrative Analyst II, alleging retaliation by the Health and Human Services Agency.

Prior to the rendering of the Commission's Findings in this matter, Ms. Goyer addressed the Commission relating to her alleged retaliation complaint.

FINDINGS AND RECOMMENDATIONS:

At the regular meeting of the Civil Service Commission on February 7, 2007, the Commission appointed A.Y. Casillas to investigate the complaint submitted by Donna Goyer, alleging retaliation discrimination by the Health and Human Services Agency. The matter was concurrently referred to the Office of Internal Affairs (OIA) for investigation.

After reviewing all related documentation, the Investigating Officer concluded that the evidence does not support a finding of probable cause that a violation of discrimination laws occurred and recommended that Ms. Goyer's Rule VI discrimination complaint be denied; that the Commission approve and file the report with the appended OIA Summary Investigative Report with a finding of no probable cause that Ms. Goyer has been unlawfully discriminated against; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Casillas to approve Findings and Recommendations; seconded by Newman. Carried.

5. Commissioner Fisher: **Susan McInerney**, Deputy Public Defender III, alleging retaliation, age and gender discrimination by the Office of the Public Defender.

Mr. Robert Stall, representing the Office of the Public Defender, announced that he was available for any questions the Commission might have regarding the above complaint.

FINDINGS AND RECOMMENDATIONS:

At the regular meeting of the Civil Service Commission on January 17, 2007, the Commission appointed Cheryl Fisher to investigate the complaint submitted by Susan McInerney alleging gender, age and disability discrimination by the Office of the Public Defender and concurrently referred the

matter to the Office of Internal Affairs (OIA) for investigation.

After reviewing all related documentation, the Investigating Officer concluded that the evidence does not support a finding of probable cause that a violation of discrimination laws occurred and recommended that Ms. McInerney's Rule VI discrimination complaint be denied; that the Commission approve and file the report with the appended OIA Summary Investigative Report with a finding of no probable cause that Ms. McInerney has been unlawfully discriminated against; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Fisher to approve Findings and Recommendations; seconded by Newman. Carried.

RECONSIDERATION: (Commissioner Krauel stated that she is not participating in Item Nos. 5 and 6)

Motion by Newman to reconsider the previous action regarding Susan McInerney; seconded by Bailey. Carried.

Motion by Fisher to approve Findings and Recommendations; seconded by Newman. Carried.

AYES:	BAILEY, FISHER, CASILLAS, NEWMAN
NOES:	NONE
ABSTENTIONS:	NONE
ABSENT:	NONE
NOT PARTICIPATING:	KRAUEL

6. Commissioner Fisher: **Dawn Beebee-Doss**, Deputy Public Defender III, alleging gender, age and disability discrimination by the Office of the Public Defender.

Mr. Robert Stall, representing the Office of the Public Defender, announced that he was available for any questions the Commission might have regarding the above complaint.

FINDINGS AND RECOMMENDATIONS:

At the regular meeting of the Civil Service Commission on January 17, 2007, the Commission appointed Cheryl Fisher to investigate the complaint submitted by Dawn Beebee-Doss alleging gender, age and disability discrimination by the Office of the Public Defender and concurrently referred the

matter to the Office of Internal Affairs (OIA) for investigation.

After reviewing all related documentation, the Investigating Officer concluded that the evidence does not support a finding of probable cause that a violation of discrimination laws occurred and recommended that Ms. Beebee-Doss' Rule VI discrimination complaint be denied; that the Commission approve and file the report with the appended OIA Summary Investigative Report with a finding of no probable cause that Ms. Beebee-Doss has been unlawfully discriminated against; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Fisher to approve Findings and Recommendations; seconded by Bailey. Carried.

AYES:	BAILEY, FISHER, CASILLAS, NEWMAN
NOES:	NONE
ABSTENTIONS:	NONE
ABSENT:	NONE
NOT PARTICIPATING:	KRAUEL

SELECTION PROCESS

Findings

7. **Ian St. John**, appealing the Department of Human Resources' removal of his name from the employment list for Deputy Probation Officer-Armed Position.

RECOMMENDATION: Ratify Item No. 7. Appellant has been successful in the appellate process provided by Civil Service Rule 4.2.2.

Item No. 7 ratified.

OTHER MATTERS

Extension of Temporary Appointments

8. Health and Human Services Agency

4 Residential Care Worker Trainees (Tanya De Alba, Carlos Dennis, Robert Sedano, Maria Vazquez)

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- 2 Residential Care Workers I (Brenda Figueroa, Lyn Lazzaro)

RECOMMENDATION: Ratify.

Item No. 8 ratified.

9. Appoint Commissioners Bailey and Casillas as a subcommittee to consider updates/changes to the section entitled *Commissioners' Interaction with County Officials and Employees* of the Internal Policies and Procedures of the Civil Service Commission.

Staff recommendation approved. Commissioners Bailey and Casillas appointed.

10. **Karen Taylor**, former Assistant Manager, appealing a Final Order of Removal and Charges from the Treasurer-Tax Collector was assigned to Commissioner Krauel on February 7, 2007. It has been determined that Ms. Taylor resigned her position of Assistant Manager, Treasurer-Tax Collector, Class #002482, on or about December 27, 2006. Therefore, the Civil Service Commission lacks jurisdiction and there will be no further action in this matter.

INFORMATION

11. Richard Pinckard, Esq., on behalf of **2007-05**, withdrawing appeal of an Order from the Sheriff's Department. (Commissioner Fisher)

Withdrawn.

12. Public Input.

ADJOURNED: 2:50 p.m.

NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION: MAY 2, 2007